



THE CITY OF NEW YORK  
LAW DEPARTMENT  
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May 14, 2025

**By ECF**

Magistrate Judge Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Brandon Lee v City of New York et. al., 25-cv-02251 (DG)(RML)

Your Honor:

I am a Deputy Chief in the Special Federal Litigation Division of the New York City Law Department. I write on behalf of defendant City of New York to respectfully request a sixty day enlargement of time, until July 14, 2025, to answer or otherwise respond to the complaint. Plaintiff's counsel consents to this request.

Plaintiff alleges, *inter alia*, that he was falsely arrested in 2018 for felony murder and unlawfully incarcerated until his acquittal in January 2024. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we will need time to investigate the allegations set forth in the complaint. Because the complaint asserts that plaintiff's criminal case was dismissed we will require an unsealing release pursuant to New York Criminal Procedure Law § 160.50 to obtain any of the underlying arrest records and criminal court documents. Once the unsealing release is received it will take some time to request, obtain and review the records.

An enlargement of time will allow this office the opportunity to determine representation of the individually named officers who we do not yet represent in the action. Pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts, this office must determine whether we may represent each individually named officer. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In light of the above, this Office respectfully requests that the Court sua sponte extend the time for the individually named officers to respond to the complaint to the same date requested by the City, July 14, 2025.

Thank you for your consideration of this request.

Respectfully submitted,

/s/Mary O'Flynn  
Senior Counsel  
Special Federal Litigation Division

cc: Counsel by ECF